

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-30 are pending.

Claims 1-11 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicants respectfully traverse this rejection.

The Manual of Patent Examining Procedure (MPEP) provides guidance on the difference between “nonfunctional descriptive material” and “functional descriptive material”. In particular, MPEP § 2106.01 states the following:

In this context, “functional descriptive material” consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of “data structure” is “a physical or logical relationship among data elements, designed to support specific data manipulation functions.” The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) “Nonfunctional descriptive material” includes but is not limited music, literary works and a compilation or mere arrangement of data.

Accordingly, Applicants respectfully submit that a “computer readable medium having a data structure for managing reproduction of at least multiple reproduction path video data” as recited in independent claim 1 stores **functional** descriptive material.

MPEP §2106.01(I) further states, regarding **functional** descriptive material, that “a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit

the data structure's functionality to be realized, and is thus statutory." The computer readable medium recited in claim 1 includes a data structure having a data area and a management area, which provides management information. As recited in claim 1, the management information includes "an information file associated with each clip file, each information file providing a map for the associated clip file, each map mapping presentation time information to address information for the associated clip file." Accordingly, claim 1 is clearly directed towards patentable, statutory subject matter.

In light of the above, Applicants respectfully request that the rejection of independent claim 1, and claims depending therefrom, under 35 U.S.C. § 101 be withdrawn.

Claims 1-3 and 12-15 stand rejected under 35 U.S.C. §102(a) as being anticipated by Kaneshige (U.S. 6,360,055). Furthermore, claims 4-11 stand rejected under 35 U.S.C. §103 as being unpatentable over Kaneshige in view of Inoshita (U.S. 7,024,102). Applicants respectfully traverse these art grounds of rejection.

The Examiner contends that Kaneshige discloses all of the limitations in originally filed claim 1. Even assuming for the sake of argument that the Examiner is correct, Kaneshige does not disclose or suggest any of the newly added limitations to claim 1. In particular, Kaneshige does not disclose or suggest "a management area storing management information for managing reproduction of the video data stream, the management information including an information file associated with each clip file, each information file providing

a map for the associated clip file, each map mapping presentation time information to address information for the associated clip file,” as recited in claim 1.

Furthermore, it is readily apparent that the secondary reference, Inoshita, relied upon by the Examiner also fails to disclose or suggest the above quoted limitations. Therefore, Kaneshige in view of Inoshita cannot disclose or suggest these limitations of claim 1. Claim 1 is not anticipated by Kaneshige or rendered obvious to one skilled in the art by Kaneshige in view of Inoshita.

Claims 2-11 and 17-18, dependent upon claim 1, are patentable at least for the reasons stated above with respect to claim 1.

Furthermore, claim 17 recites “wherein only one clip file is associated each particular portion representing the same time period of the video data.” As shown in Figs. 9A and 9B of Kaneshige, the video data portion representing angle 0 is divided up into multiple sections, and the video data representing the same time period for angle 1 are also divided up into multiple sections. Sections for angles zero and one are then interleaved. As a result, Kaneshige or Kaneshige in view of Inoshita cannot disclose or suggest the limitations discussed above with respect to claim 17.

Claims 12-16 include similar limitations to those discussed above with respect to claim 1, and therefore, are patentable for the reasons stated above with respect to claim 1 as well as on their own merits. Claims 19-30, dependent upon one of claims 12-16, are patentable at least for the reasons stated above with respect to claim 12-16.

CONCLUSION

In view of above remarks, reconsideration of the outstanding rejection and allowance of the pending claims is respectfully requested.

Pursuant to 37 C.F.R. §1.17 and 1.136(a), Applicant(s) hereby petition(s) for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$120.00 extension fee herewith.

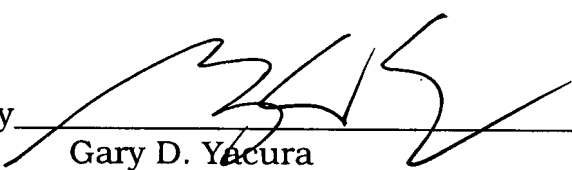
If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY & PIERCE, PLC

By


Gary D. Yacura
Reg. No. 35,416

GDY:mat

P.O. Box 8910
Reston, VA 20195
(703) 668-8000